

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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FISCAL IMPACT STATEMENT

LS 7406

BILL NUMBER: SB 283

NOTE PREPARED: Feb 2, 2007

BILL AMENDED: Feb 1, 2007

SUBJECT: Battery on Household Member or Pregnant Woman.

FIRST AUTHOR: Sen. Lubbers

FIRST SPONSOR:

BILL STATUS: CR Adopted - 1st House

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) The bill increases the penalty for battery to a Class D felony for an offense against a family or household member if: (1) the person who committed the offense was at least 18 years of age; and (2) the offense occurred while in the physical presence of a child less than 16 years of age who might be able to see or hear the offense. The bill also increases the penalty for battery to a Class C felony if it results in bodily injury to a pregnant woman and the person knew the woman was pregnant.

Effective Date: July 1, 2007.

Explanation of State Expenditures: (Revised) Under current law, battery is a Class B misdemeanor. However there are many circumstances in which the penalty is enhanced to a Class A misdemeanor or felony status. This bill adds to the those circumstances where the penalty is enhanced for battery to a Class D felony when the offense occurs in the physical presence of a child less than 16 years old knowing that the child was present and might be able to see and hear the offense, and a Class C felony when the offense results in bodily injury to a pregnant woman. There are no data available to indicate how many more offenders would be subject to an enhanced penalty for battery under the bill.

State expenditures could increase if an offender is incarcerated in a state prison rather than in a local jail. A Class D felony is punishable by a prison term ranging between 6 months to 3 years or reduction to Class A misdemeanor. A Class C felony is punishable by a prison term ranging from 2 to 8 years. The period of incarceration will depend upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$22,734 in FY 2006. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost per offender for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily. The estimated average cost of housing a

juvenile in a state juvenile facility was \$63,139. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months and for all Class C offenders is approximately two years.

Explanation of State Revenues: More revenue to the Common School Fund could be collected if a larger criminal fine is assessed by the sentencing court. The maximum fine for a Class B misdemeanor is \$1,000, while the maximum fine for a Class D or Class C felony is \$10,000. Court fees for both misdemeanors and felonies are \$120.

Explanation of Local Expenditures: If an offender is sentenced to state prison rather than to a county jail, the costs to the county may be reduced. The maximum term of imprisonment for a Class B misdemeanor is up to 180 days. The average daily cost to incarcerate a prisoner in a county jail is roughly \$44.

Explanation of Local Revenues: Court fees for both misdemeanors and felonies are \$120.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts; local law enforcement agencies.

Information Sources: Indiana Sheriffs' Association, Department of Correction.

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